

The committee chairwoman has not yet approved these minutes.
PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: May 25, 2005

CALLED TO ORDER: 5:05 p.m.

ADJOURNED: 5:58 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Vernon Brown
Greg Bowes
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman
Scott Schneider

Absent Members

AGENDA

PROPOSAL NO. 243, 2005 - approves an increase of \$10,500 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) for interpreter services, funded by a grant from the State of Indiana, Indiana Supreme Court, Foreign Language Interpreter Grant
"Do Pass" Vote: 8-0

PROPOSAL NO. 244, 2005 - approves a transfer of \$15,047 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Salaries to Supplies and Other Services and Charges to provide for expenses for Drug Treatment
"Do Pass" Vote: 8-0

PROPOSAL NO. 245, 2005 - approves a transfer of \$61,523 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to close out Juvenile Accountability Incentive Block Grant IV and V and to pay remaining expenses
"Do Pass" Vote: 8-0

PROPOSAL NO. 246, 2005 - approves a transfer of \$516 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Salaries to Other Services and Charges to provide bus passes for Community Work Services Crew
"Do Pass" Vote: 8-0

PROPOSAL NO. 247, 2005 - approves a transfer of \$1,806 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to move supply money from Community Court grant to allow re-posting of operating expense
“Do Pass”Vote: 8-0

PROPOSAL NO. 248, 2005 - approves a transfer of \$60,000 in the 2005 Budget of the Community Corrections Agency (State and Federal Grants Fund) to pay for facilitation services as criminal justice officials redesign the Juvenile Justice System, funded by a grant from the Department of Corrections
“Do Pass as Amended”Vote: 8-0

PROPOSAL NO. 249, 2005 - approves a transfer of \$420,000 in the 2005 Budget of the Public Defender Agency (County General Fund) to transfer funds to cover supply costs and increased Costs for death penalty cases
“Do Pass as Amended”Vote: 8-0

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, May 25, 2005. Chairwoman Mary Moriarty Adams called the meeting to order at 5:05 p.m. with the following members present: Greg Bowes, Vernon Brown, Sherron Franklin, Lynn McWhirter, William Oliver, Lincoln Plowman, and Scott Schneider. Also present was Bart Brown, the City-County Council's Chief Financial Officer.

Consent was given to hear Proposal No. 243, 2005 through Proposal No. 247, 2005 together.

PROPOSAL NO. 243, 2005 - approves an increase of \$10,500 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) for interpreter services, funded by a grant from the State of Indiana, Indiana Supreme Court, Foreign Language Interpreter Grant

Sue Patterson, Director of Finance, stated that this is the second year the Office of the Court Administrator has applied for and received a grant from the Indiana Supreme Court to provide interpreter services. Ms. Patterson stated that in 2004 the Marion Superior Court spent \$220,000 on interpreters and that this is an increase from \$178,000 the previous year. A large portion of services was generated when the Arrestee Processing Center opened.

Councillor McWhirter asked if it would be more cost effective to hire outside interpreters. Ms. Patterson said this is something that the courts are looking at as a possibility. She said part of the problem is that while the majority of the interpreters needed speak Spanish, there is still a need for other interpreters as well. She added that the interpreters must be provided for the defendants as well as the jurors. Ms. Patterson said that in the last eight years the cost has increased from \$45,000 to almost \$225,000.

Chairwoman Moriarty Adams asked how many cases needed interpreters. Ms. Patterson stated that in 2003 there were 1,900 cases that needed interpreters. Chairwoman Moriarty Adams asked how many fulltime interpreters are on staff with the courts. Ms. Patterson stated that there are six fulltime Spanish speaking interpreters. She said that for the other languages there is a flat fee per hour that has a two-hour minimal.

Councillor Bowes asked if the interpreters have to be certified with the Indiana Supreme Court. Ms. Patterson stated that the interpreters' contract requires them to become certified, but there is only one person in Indianapolis that is currently certified. Councillor Bowes asked if there were any funds designated to provide interpreters for defense lawyers or public defenders. Ms. Patterson stated that the defense lawyers and public defenders use the court interpreters.

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 243, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 244, 2005 - approves a transfer of \$15,047 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Salaries to Supplies and Other Services and Charges to provide for expenses for Drug Treatment

Ms. Patterson said Proposal No. 244, 2005 transfers \$15,047 from Salaries to Supplies and Other Services and Charges. This is due to the timing of the hiring of the additional case managers funded by the Indiana Criminal Justice Institute (ICJI) drug treatment grant.

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 244, 2005 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 245, 2005 - approves a transfer of \$61,523 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to close out Juvenile Accountability Incentive Block Grant IV and V and to pay remaining expenses

Ms. Patterson stated that Proposal No. 245, 2005 transfers \$61,523 to close out the 2004 JAIBIG grant. This grant was provided by ICJI to fund juvenile programs.

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 245, 2005 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 246, 2005 - approves a transfer of \$516 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to transfer Salaries to Other Services and Charges to provide bus passes for Community Work Services Crew

Ms. Patterson said that this proposal transfers \$516 from Salaries to Other Services and Charges to pay for bus passes for the Community Work Services crewmembers. She said that this grant is from Southeast Umbrella Organization (SUMO). Ms. Patterson stated that she is very impressed with the job that the crewmembers do.

Councillor McWhirter said that the fire department in her district has used the Services Crew twice this year to help with the clean up in the woods, and they do a great job as well as save the City a lot of money

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 246, 2005 to the full Council with a “Do Pass” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 247, 2005 - approves a transfer of \$1,806 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to move supply money from Community Court grant to allow re-posting of operating expense

Ms. Patterson stated that Proposal No. 247, 2005 transfers \$1,806 from Supplies to Other Services and Charges to pay for operating expenses at the Community Court. This grant is from ICJI.

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 246, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

{Clerk's note: The amended version of this proposal is on file with the original set of minutes in the Council's Office.}

Councillor McWhirter moved, seconded by Councillor Schneider, to send Proposal No. 247, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 248, 2005 - approves a transfer of \$60,000 in the 2005 Budget of the Community Corrections Agency (State and Federal Grants Fund) to pay for facilitation services as criminal justice officials redesign the Juvenile Justice System, funded by a grant from the Department of Corrections

Brian Barton, Marion County Community Corrections Executive Director, stated this proposal is a transfer from a Department of Corrections (DOC) grant that expired in June 2004 and is carry over, which means if the funds were not used locally they would go back to DOC. This \$60,000 would pay for facilitation services to redesign the Juvenile Justice System. This project would be put in place to look at all issues concerning the Juvenile Justice System. Mr. Barton stated that the goal is to keep as many kids here in Indianapolis and treat them.

Councillor Brown asked who would be paid out of the \$60,000. Mr. Barton stated that the courts have identified Crowe Chizek for this project.

Councillor Oliver asked what services would be transferred to Community Corrections. Mr. Barton said that at this point the only thing that will be transferred would be the juvenile home detention. He said there are some other things that are currently being discussed. Councillor Oliver stated that he would like to have a Public Safety Committee Meeting at this facility once everything is completed.

Bart Brown asked where the funds are located since this grant expired in 2004. Mr. Barton said that the funds are still located locally. Mr. Brown asked if there was a requirement to close the grant out in 2004. Mr. Barton stated that there is an auditing process that takes place with the change of a new administration at the State level. He said it is not against normal procedures for the funds to be withheld. Mr. Brown asked when the initial request was placed to use this \$60,000. Mr. Barton stated that the request was placed in March of 2005. Dan Jones, Deputy Auditor, stated that there needs to be a technical amendment for this proposal. In the digest, the word "transfer" needs to be changed to "increase"; and Section 2 should read, "*The sum of an additional Sixty thousand Dollars (\$60,000) be, and the same is hereby, Increased as shown in Sections 3 and by reducing the accounts as shown in Sections 4.*"

Councillor McWhirter moved, seconded by Councillor Schneider, to amend Proposal No. 248, 2005 as per Mr. Jones' request. This motion carried a vote of 8-0.

Councillor Bowes moved, seconded by Councillor Oliver, to send Proposal No. 248, 2005 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 8-0.

Councillor Brown asked Mr. Jones if he could have a total dollar amount of how much funding was paid to Crowe Chizek in the last 18 months. Mr. Jones stated that he would provide that information.

PROPOSAL NO. 249, 2005 - approves a transfer of \$420,000 in the 2005 Budget of the Public Defender Agency (County General Fund) to transfer funds to cover supply costs and increased Costs for death penalty cases

{Clerk's note: Mr. Cook informed everyone that Dee Denison would be retiring June 30, 2005. Replacing Ms. Denison would be Kathy Teachout from the City Controller's office.}

David Cook, Marion County Public Defender, stated that this proposal would approve a one-time transfer from Character 01 to Character 03 to help with supply costs and also increased costs for death penalty cases. Mr. Cook stated that the agency has no money in Character 03 due to the budget cuts for 2005. One of the ways that the agency has tried to make improvements is by turning a twelve-month budget into an eleventh month budget and carrying over expenses to January of the following year. Mr. Cook said that the whole process of central purchasing has had the impact of encumbering the staff from trying to manipulate funds between characters. He added that several of the positions that were to be filled in 2004 for 2005 have not yet been filled due to budgetary cuts. This has caused a surplus in Character 01. Additionally the death penalty expenses are climbing. There are now five death penalty cases, as opposed to only two cases in 2004.

Chairwoman Moriarty Adams asked if the positions that have not been filled were for attorneys. Mr. Cook stated that these positions were support staff positions. He added that he only filled the positions that would be necessary to stay in compliance with commission standards because that is over 2.5 million that comes back into the County General Fund.

Councillor Bowes asked how much it would cost the agency budget for a death penalty case. Mr. Cook stated that the average cost is anywhere from \$150,000 to \$250,000 for a single capital case. He said that a Subobject was created for death penalty cases, and the agency would load \$600,000 in that line item every year. This money was strictly for death penalty cases until the last part of the year. At the end of the year, once all the death penalty fees were paid and there was a surplus, the agency would invade that surplus to do other operating expenses. Councillor Bowes asked if the commission would look at the non-capital cases separate from capital cases

in terms of meeting the commission's standard qualification. Mr. Cook stated the Public Defender Agency has their own separate minimal qualification, and the non-capital cases and capital cases are treated separately.

Mr. Jones stated that he does not anticipate the Public Defender Agency's budget being reduced in 2006. This agency and the courts directly impact the population in the jail so there is a greater need to preserve these agencies in 2006.

Reverend Pamela M. Pinkney, citizen, stated that considering the facts that are presented, she is in favor of and supports the request of the Public Defender Agency.

Councillor Oliver moved, seconded by Councillor Franklin, to send Proposal No. 249, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

Mr. Cook also stated that the Public Defender Agency hired a Spanish Coordinator who has helped a lot with interpretation issues. Her name is Irene Bublik and she is only one of seven certified court interpreters in the state of Indiana.

Mr. Jones asked if the positions that were not filled would remain vacant through the end of the year in order to preserve the surplus that is built up in the County General Fund. Mr. Cook stated that these positions would be filled by the end of July of 2005.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 5:58 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rjp